

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

2007 OCT 26 P 2:58

SAFETY AND ECOLOGY CORPORATION,)
)
Plaintiff,)
)
v.)
)
CHUBB & SON INC.,)
)
Defendant.)

U.S. DISTRICT COURT
EASTERN DISTRICT OF TENN.

BY _____ DEPT. CLERK

Docket No. 1:07-cv-257

Collier / Carter

NOTICE OF REMOVAL BASED UPON DIVERSITY OF CITIZENSHIP

Pursuant to 28 U.S.C. §§ 1441 *et seq.*, Defendant, Chubb & Son Inc. ("Chubb"), states as follows:

1. Chubb is a defendant in a state action styled Safety and Ecology Corporation v. Chubb & Son Inc., Docket No. 07C1013, which was filed in the Circuit Court for Hamilton County, Tennessee on or about August 29, 2007. Copies of the Summons and Complaint filed in this action are attached hereto and made a part hereof by reference as collective Exhibit 1 and constitute all process and pleadings served upon Defendant in such action.

2. The Summons and Complaint were served upon Defendant on or about September 27, 2007. This Notice of Removal is timely.

3. This action alleges state law causes of action sounding in contract. (Compl. ¶¶ 3-18). In its Complaint, Safety and Ecology Corporation ("Plaintiff") alleges damages up to \$154,435.89. Accordingly, the amount in controversy in this lawsuit exceeds seventy-five thousand dollars and 00/100 (\$75,000.00), exclusive of interest and costs.

4. Plaintiff is a Nevada corporation having its principal place of business located at 2800 Solway Road, Knoxville, Tennessee. (Compl. ¶ 1).

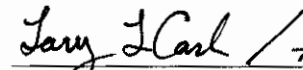
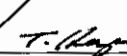
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5. Defendant is a New York corporation with its principal place of business outside the state of Tennessee and outside the state of Nevada. (Compl. ¶ 2).

6. The allegations of the Complaint establish that there is a complete diversity of citizenship among the parties to this action. Pursuant to 28 U.S.C. § 1332, subject matter jurisdiction based upon diversity of citizenship exists and supports removal of this cause of action to the United States District Court. A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit 2.

WHEREFORE, Defendant respectfully prays that the above-entitled action now pending against it in the Circuit Court for Hamilton County, Tennessee, be removed to the United States District Court for the Eastern District of Tennessee.

Respectfully submitted,

 /  (#024491)

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*Attorneys for the Defendant
Chubb & Son Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *Notice of Removal* has been sent by U.S. Mail, postage prepaid, to:

Gary R. Patrick
Susie Lodico
Patrick, Beard, Schulman & Jacoway, P.C.
Attorneys for Plaintiff
537 Market Street, Suite 202
Chattanooga, TN 37402

this 26th day of October, 2007.



Larry L. Cash